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ANN BAVENDER*
ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
RICHARD J. ESTEVEZ
PAUL J. FELDMAN
ERIC FISHMAN
RICHARD HILDRETH
FRANK R. JAZZO
ANDREW S. KERSTING*
EUGENE M. LAWSON, JR.
HARRY C. MARTIN
J. TODD METCALF*
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
KATHLEEN VICTORY
HOWARD M. WEISS

* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

office@fhh-telcomlaw.com

January 15, 1998

FRANK U. FLETCHER
(1939-1985)
ROBERT L. HEALD
(1956-1983)
PAUL D. P. SPEARMAN
(1936-1962)
FRANK ROBERSON
(1936-1961)
RUSSELL ROWELL
(1948-1977)

RETIRED
EDWARD F. KENEHAN

CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)

OF COUNSEL
EDWARD A. CAINE*
JOHN JOSEPH SMITH*
MITCHELL LAZARUS*

WRITER'S DIRECT

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND DELIVERY

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, D.C. 20554

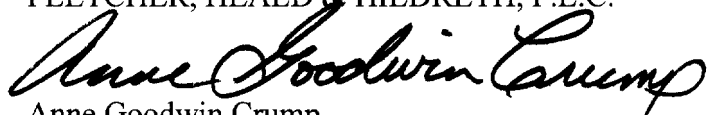
Re: MM Docket No. 97-168
RM-9103
Arcadia and Ellington, Missouri;
Carbondale and Steeleville, Illinois;
and Tiptonville, Tennessee

Dear Ms. Salas:

Transmitted herewith, on behalf of Lyle Broadcasting Corporation, licensee of Station WCIL-FM, Carbondale, Illinois, are an original and four copies of its "Request for Leave to File Response and Response to Reply Comments" in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Anne Goodwin Crump
Counsel for Lyle Broadcasting Corporation

Enclosures

cc: Service List (w/enc.)

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM DOCKET NO. 97-168
Table of Allotments,)	RM-9103
FM Broadcast Stations.)	
(Arcadia and Ellington, Missouri;)	
Carbondale and Steeleville, Illinois;)	
and Tiptonville, Tennessee))	

**REQUEST FOR LEAVE TO FILE RESPONSE AND
RESPONSE TO REPLY COMMENTS**

Lyle Broadcasting Corporation ("Lyle"), licensee of Station WCIL-FM, Carbondale, Illinois, by its attorneys, hereby respectfully submits its Response to the "Reply Comments on Counterproposal" filed by Iron County Broadcasting Company ("ICBC") on December 11, 1997, in the above-captioned proceeding. Lyle further requests leave to file this Response in order to establish a clear record in this proceeding and requests that its Response be accepted and considered. ICBC's Reply Comments contain citations to inapposite cases and an erroneous statement of Commission procedures. Accordingly, this Response is necessary to set the record in this proceeding straight. With respect thereto, the following is stated:

1. Lyle's Counterproposal in this proceeding included four alternative allotment possibilities. Options 1 and 3 require the imposition of a site restriction on the currently vacant allotment at Tiptonville, Tennessee. ICBC argues that this proposal is untimely because it should have been advanced as a counterproposal in MM Docket 96-204, a pending proceeding in which

it has been proposed that the Tiptonville allotment be deleted. ICBC's cited as its sole support for this proposition *FM Table of Allotments (Grenada, Artesia, and Okolona, Mississippi)*, 7 FCC Rcd 4838 (M.Med. Bur. 1992). This case is entirely inapposite, however. The case involved a petitioner for reconsideration who, for the first time, on reconsideration sought to have the reference co-ordinates for an allotment at Aberdeen, Mississippi, changed to conform with the co-ordinates specified in its pending application for the allotment. In response, the Commission stated its policy not to change reference co-ordinates outside of a rule making proceeding, nor to institute a proceeding solely for the purpose of changing reference co-ordinates. Obviously, this ruling is entirely inapplicable to the situation at hand.

2. In the instant case, the site restriction has been proposed in a rule making proceeding in a timely-filed counterproposal. The fact that another proceeding involving the same community is also pending is irrelevant. The Commission's long-standing practice has made it clear that the Commission may propose a site restriction on a vacant allotment at any time, without any need for an open rule making proceeding involving the community in question. *See, e.g., FM Table of Allotments (Alva, Bartlesville, and Ponca City, Oklahoma, and Deerfield, Missouri)*, 11 FCC Rcd 20915 (M.Med. Bur. 1996). Accordingly, the proposal to impose a site restriction on the Tiptonville allotment is not untimely. Moreover, two of the parties involved in the Tiptonville rule making proceeding have indicated in comments filed in this proceeding that they have no objection to the proposed site restriction.

3. ICBC also argues that Option 1 of Lyle's counterproposal is procedurally incomplete because it did not explicitly state that it would reimburse the expenses of the permittee of an unbuilt FM station at Marble Hill, Missouri, in connection with the proposed change in channel.

The cases cited by ICBC are also entirely inapposite to the situation at hand, however. Both of the cases cited by ICBC involved stations which had been built and licensed. In neither case was a construction permit for an unbuilt station involved.

4. Lyle is aware of no case precedent which requires an express commitment to reimburse expenses in connection with a change in channel for facilities which have not yet been constructed. ICBC's speculations as to when the Marble Hill station may commence operations, and whether the instant proceeding will have terminated by that time, are entirely irrelevant. Nevertheless, in order to put the matter at rest, Lyle hereby affirmatively states that it will reimburse the Marble Hill permittee for expenses in connection with the proposed change in channel to the extent required by Commission rules and policy. Of course, Lyle has at all times intended to comply fully with the Commission's rules and policies in this regard.

Respectfully submitted,

LYLE BROADCASTING CORPORATION

By: 
Frank R. Jazzo
Anne Goodwin Crump

Its Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street
Eleventh Floor
Arlington, Virginia 22209
(703) 812-0400

January 15, 1998

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Request for Leave to File Response and Response to Reply Comments" was sent this 15th day of January, 1998, by first-class United States mail, postage prepaid to:

Ms. Kathleen Scheuerle*
Mass Media Bureau
Federal Communications Commission
Room 8314
2025 M Street, NW
Washington, D.C. 20554

Dennis J. Kelly, Esquire
P.O. Box 6648
Annapolis, MD 21401
Counsel for Iron County Broadcasting Company and Dana N. Withers

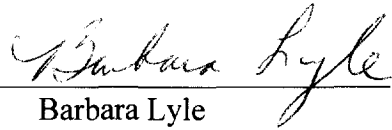
John F. Garziglia, Esquire
Pepper & Corazzini, L.L.P.
Suite 200
1776 K Street, NW
Washington, D.C. 20006
Counsel for Thunderbolt Broadcasting Co.

Eric S. Kravetz, Esquire
Brown Nietert & Kaufman, Chartered
Suite 660
1920 N Street, NW
Washington, D.C. 20036
Counsel for Twin States Broadcasting, Inc.

Philip R. Hochberg, Esquire
Verner Liipfert Bernhard McPherson &
Hand, Chartered
Suite 700
901 15th Street, NW
Washington, D.C. 20005-2301
Counsel for Terry Hailey

John H. Midlen, Jr., Esquire
Midlen Law Center
3238 Prospect Street, NW
Washington, D.C. 20007-3214
Counsel for New Life Evangelistic Center, Inc.

*Hand Delivery


Barbara Lyle